

Application No.: 09/527,422

Docket No.: M4065.0802/P802

REMARKS

In response to the election of species requirement set forth in the Office Action mailed December 2, 2003, Applicants elect the species directed to FIG. 8, with traverse. At least claims 1-6, 8-10, 16-19, 21, 22, 29, 32, 38 and 39 are readable on the elected species.

Claims 8 and 9 have been amended to correct a typographical error.

As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. As acknowledged by the Office Action, currently claims 1 and 29 are generic. Accordingly, upon the allowance of either generic claim 1 or 29, Applicants respectfully request that the Examiner consider claims to non-elected species (i.e., claims 11-15, 20, 23-28, 30, 31, 33-37 and 40).

Further, Applicants respectfully submit that the inventions of the species directed to FIGS. 2, 5, 7, 8 and 9 are closely related to each other. For example, each claim is directed to common subject matter (e.g., pixel signal readout circuitry).

M.P.E.P. § 803 directs as follows (emphasis added): "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Given the circumstances of this case, it would not be a serious burden for the Examiner to examine all of the claims at this time. The directive of § 803 should be followed by the Examiner in this case.

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Favorable action on the application is solicited.

Dated: December 29, 2003

Respectfully submitted,

By 

Thomas J. D'Amico

Registration No. 28,371

Salvatore P. Tamburo

Registration No. 45,153

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants